

**Board of Registration of Podiatry
1000 Washington Street, Boston, MA 02118
Minutes of April 26, 2016 Public Meeting**

Members Present:

Dr. LeRoy Kelley, Chair
Dr. Raymond Murano, Secretary
Dr. Kenneth Leavitt, Member
Dr. Bruce Bonnell, Member

Administrative Staff Present:

Jennifer Romeo-Porcaro, Associate Executive Director
Ann Driscoll, RN, Investigative Supervisor
Sheila York, Board Counsel

Public Present:

Mark Molloy-Lynch Associates, Inc.

Dr. Kelley, the Chair, opened the meeting at 10:00am.

Associate Executive Director Jennifer Romeo-Porcaro informed attendees of the evacuation procedures and location of the restrooms. Dr. Kelley welcomed the new Board member Dr. Bruce Bonnell.

Vote on Minutes of March 8, 2016: A motion to approve the minutes was made by Dr. Murano, seconded by Dr. Kelley, and unanimously adopted by the Board.

A motion to suspend the public meeting and enter closed session under G.L. c. 112, s. 65C at 10:03am for the purpose of discussing investigative matters: PD-16-002 (MC), PD-16-005 (RM), Insurance Notification – MW, and renewal questionnaire of (PC), was made by Dr. Leavitt, seconded by Dr. Kelley, and unanimously adopted by the Board.

Report of Actions taken in Closed Investigative Conference:

Complaints:

- (a) **PD-16-002 (MC):** A motion to refer the matter to the Office of Prosecution was made by Dr. Murano, seconded by Dr. Kelley and unanimously adopted by the Board.
- (b) **PD-16-005 (RM):** A motion to refer the matter to the Office of Prosecution was made by Dr. Leavitt, seconded by Dr. Murano and unanimously adopted by the Board.
- (c) **Insurance Notification – MW:** No further action at this time.
- (d) **Renewal Questionnaire -PC:** A letter to be drafted by the Associate Executive Director to the licensee requesting more information.

A motion to resume the public meeting at 10:55am was made by Dr. Leavitt, seconded by Dr. Kelley, and unanimously adopted by the Board.

Board Chair: Continuing Education Approval: Dr. Murano requested 2 CE courses to be approved: 1) Osiris Grafix 2) Repair to achilles tendon regarding diabetic patients
A motion was made to approve by Dr. Kelley, seconded by Dr. Leavitt and Dr. Bonnell.

Update from the Office of Investigations, Chief Investigator Chris Carroll and Assistant Chief Investigator Sarah Wilkinson: None

Associate Executive Director, Jennifer Romeo-Porcaro's Report to the Board:

- (a) Executive Director change to Brian Bialas/Meeting date change: The request for these changes are withdrawn.

Board Counsel, Sheila York's Report to the Board:

- (a) **Regulation Review for Executive Order 562:** Board Counsel informed the Board that she had received approval to start the formal regulation promulgation process for this Board's EO 562 proposed regulation changes. Board Counsel discussed with the Board the public hearing process. There is not a specific date for the public hearing as of yet.
- (b) **History of Licensure requirements for Podiatrists in MA:** The Board gave Board Counsel general background information as to when the different parts of the national licensing examination were adopted, but could not provide specific dates.
- (c) **Update on pending legal matters:** None

Correspondence:

- (a) **Letter dated 3/1/16 from Caroline Gauthier regarding confirming her scope of practice in Podiatry:** The Board reviewed Dr. Gauthier's letter and attachments. The Board opined that the procedures listed by Dr. Gauthier were within the scope of a podiatric license in Massachusetts under 249 CMR 2.02, definition of "*Podiatry*" and 249 CMR 4.01: *Role of the Podiatrist*. The Board expects a Massachusetts podiatrist to perform only those procedures within the scope of practice for which s/he is trained, qualified and competent to perform. There are many variables that are relevant to determining whether a specific podiatrist is qualified to perform a particular podiatric service. These variables include but are not limited to the podiatrist's education, training and experience. Board Counsel will notify Dr. Gauthier of the Board's opinion.
- (b) **Procedure for Requesting Additional PMP Data for Use in Ongoing Controlled Substance-Related Investigations:** Received by the Board

Open Session for Topics not reasonable anticipated by the Chair 48 hours in advance of meeting: The May 10, 2016 Board meeting will be cancelled, and the next Board meeting will be June 14, 2016.

A motion to suspend the public meeting and enter closed session under G.L. c. 112, s. 65C for the purpose of discussing a Settlement Conference: PD-15-018 (DB), was made by Dr. Kelley, seconded by Dr. Murano, and unanimously adopted by the Board.

Report of Actions taken in Closed Settlement Conference:

Settlement Conference – Prosecutor Julie Brady – Closed Session under MGL ch. 112, section 65C – DB (PD-15-018) – Dr. Leavitt recused and left the room for the discussion. The Board provided the Prosecutor with guidance regarding settlement terms.

A motion to resume the public meeting at 11:22am was made by Dr. Kelley, seconded by Dr. Murano, and unanimously adopted by the Board.

A motion to adjourn the meeting at 11:23am was made by Dr. Kelley, seconded by Dr. Murano and unanimously adopted by the Board.

List of Documents Used at the Public Meeting:

1. Agenda dated April 26, 2016
2. Minutes dated March 8, 2016
3. Letter from dated 3/1/16 from Caroline Gauthier regarding confirming her scope of practice in Podiatry
4. Procedure for Requesting Additional PMP Data for Use in Ongoing Controlled Substance-Related Investigations

Respectfully submitted,



Michael Hawley, Executive Director
Podiatry Board